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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,891	11/12/2003	Cyrus Fuhrmeister		9440

7590 10/29/2004

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EXAMINER


SHRIVER II, JAMES A

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 10/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/712,891	Applicant(s) FUHRMEISTER, CYRUS	
	Examiner J. Allen Shriver	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/12/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 11/12/2003 has been considered by the examiner.

Specification

2. The disclosure is objected to because of the following informalities: On page 5, reference number "24" is used to designate both the "buckle assembly" and the "swivel joint assembly".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. **Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.** Claim 1 recites the limitation "said swivel joint" in lines 7-8. There is insufficient antecedent basis for this limitation in the claim. Examiner assumes Applicant meant "said swivel joint mechanism".

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Younger (US Patent 5,221,111) in view of Challoner et al. (US Patent 5,492,254).** Younger discloses a skateboard leash (18a) adapted to be attached to a skateboard (22) comprising a mounting strap, a swivel joint mechanism (20) connected to said mounting strap; and an elongated strap assembly connected to said swivel joint mechanism, said elongated strap assembly having an outer free end, a bulbous member (30) mounted at said outer free end, whereby said bulbous member is adapted to be grasped by the rider with a pulling force to be applied to said elongated strap assembly which will hold the skateboard against the rider's feet when performing aerial maneuvers (See Fig. 4). Younger does not disclose the mounting strap being adapted to be mounted transversely around the skateboard platform. Challoner et al. discloses a mounting strap (28) being adapted to be mounted transversely around the skateboard platform (See Fig. 1). At the time of the invention, it would have been obvious to a person of ordinary skill in this art to provide a mounting strap that is adapted to be mounted transversely around the skateboard platform for the skateboard leash disclosed in Younger in view of the teaching of Challoner et al. The motivation for doing so would have been to allow the leash to be quickly and securely mounted to a conventional skateboard without having to modify the structure of the skateboard to attach the leash.

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Regarding claim 2, Challoner et al. discloses wherein said mounting strap being removably mounted by means of a detachable securement (48) to said skateboard platform.

Regarding claim 4, Younger discloses wherein said bulbous member comprises a ball (See Figs. 3 and 4). Examiner construes the definition of a "ball" to be "a round or roundish body or mass." (See Merriam Webster's Collegiate Dictionary, 10th Edition, page 87).

7. **Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Younger (US Patent 5,221,111) and Challoner et al. (US Patent 5,492,254) as applied to claims 1-2 above, and further in view of Examiner's Official Notice.** The combination of Younger and Challoner et al. discloses a skateboard leash as set forth above, but does not disclose wherein said detachable securement comprises a buckle. Challoner et al. discloses the detachable securement being a hook and loop fastener. Examiner takes Official Notice that a buckle is an equivalent type detachable fastener, and that it would have been notoriously old and well known in this art to substitute a buckle fastener for a hook and loop fastener. The motivation for doing so would have been to allow a greater force to be exerted on the fastener before it detached.

Allowable Subject Matter

8. Claims 5-6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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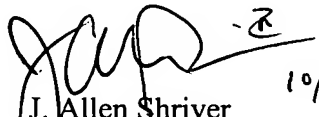
Conclusion

9. The prior art made of record in the accompanying PTO Form 892 and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Allen Shriver whose telephone number is (703) 308-1224. The examiner can normally be reached on Mon-Thurs 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris P. Ellis can be reached on (703) 305-0168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


J. Allen Shriver
Examiner
Art Unit 3618
10/27/04

JAS